



2026:AHC:17108

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 159 of 2026

Kallu Alias Kailash Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Manoj Kumar Sahu
Counsel for Opposite Party(s)	:	G.A., Rakesh Kumar

Court No. - 65

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State as well as learned counsel for the informant and perused the material brought on record.

2. Learned counsel for the applicant submits that the F.I.R. was lodged by the victim herself with the allegation that on 06.10.2025 at about 11:00 hours in the night when she was alone in her house then applicant barged into her her house and after pressing her mouth he started obscene activity with her and also torn her clothes, thus, she has not made any allegation of rape against the applicant in the F.I.R., whereas, in her statements recorded under Sections 180 & 183 BNSS she has developed the case by stating that applicant had also committed her rape forcibly. The alleged incident took place on 06.10.2025, the F.I.R. was lodged on 07.10.2025 whereas the victim was medically examined on 08.10.2025 wherein no any external or internal injury was found on her person, which does not corroborate with the allegation of forcible rape committed upon the victim. The victim is a married lady aged about 24 years. There are material contradictions in the statements of the victim recorded under sections 180 & 183 BNSS with the version of the F.I.R. Learned counsel further submits that as per statements of the victim she appears to be a consenting party and applicant has falsely been implicated. Several other submissions in order to demonstrate the falsity of the allegations made against the applicant have also been placed before the Court. The circumstances which, according to the counsel, led to the false implication of the accused have also been mentioned. It has also been assured on behalf of the applicant that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever required and is also ready to accept all the conditions which the Court may deem fit to impose upon him. He next submits that the applicant is in jail since 10.10.2025, with no criminal history.

3. Per contra, learned A.G.A. has opposed the prayer for bail of the

applicant by contending that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserve any indulgence.

4. Considering the overall facts and circumstances, the nature of allegations, the gravity of offence and without expressing any opinion on merits, this Court finds it to be a fit case for bail. Accordingly, the bail application stands allowed.

5. Let the applicant-Kallu Alias Kailash Yadav, be enlarged on bail in Case Crime No. 171 of 2025, under Sections 64(1), 333 of B.N.S., Police Station- Bharatkoop, District- Chitrakoot, on executing a personal bond and furnishing two local sureties each in the like amount to the satisfaction of the court concerned with the following conditions:

- i) The applicant shall not tamper with the prosecution evidence.
- ii) The applicant shall not threaten or harass the prosecution witnesses.
- iii) The applicant shall appear on the date fixed by the trial court.
- iv) The applicant shall not commit any offence similar to the offence of which the applicant is accused, or suspected of the commission.
- v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing facts to the Court or to any police officer or tamper with the evidence.

6. In case of default of any of the conditions enumerated above, the court concerned shall be at liberty to cancel the bail of applicant in accordance with law.

(Dr. Gautam Chowdhary,J.)

January 22, 2026

Mustaqeem.